

**FLEIT, KAIN,  
GIBBONS, GUTMAN  
BONGINI & BIANCO P.L.  
ATTORNEYS AT LAW**

Miami • Fort Lauderdale • Boca Raton

Fleit, Kain, Gibbons, Gutman,  
Bongini & Bianco P.L.  
551 NW 77th Street, Suite 111  
Boca Raton, Florida 33487  
Telephone: (561) 989-9811  
Facsimile: (561) 989-9812  
writer's e-mail: jgibbons@FocusOnIP.com

## TELECOPIER TRANSMITTAL FORM

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**DATE:** October 28, 2004  
**TO:** Examiner Barbara N. Burgess  
**FIRM:** USPTO, Group Art Unit 2157  
**FAX #:** (703) 872-9306  
**PHONE:** (703) 305-3366  
**FROM:** Jon A. Gibbons

**TOTAL NUMBER OF PAGES: 16  
(INCLUDING THIS PAGE)**

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**MESSAGE:**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant(s): Michael L. EMENS et al.**

**Serial No.: 09/611,839**

**For: SOFTWARE AND METHOD FOR CONTROLLING  
THE TIMING OF DELAYED DOWNLOADS**

**Enclosed are the following:**

Transmittal letter (1 page); and Response with Amendment (14 pages)

Docket No.: AM9-1999-0218

110-A99-173

October 28, 2004

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of  
 Michael L. EMENS, et al.  
 Serial No. 09/611,839  
 Filed: July 7, 2000

: Atty. Docket No. AM9-1999-0218  
 : Group Art Unit: 2157  
 : Examiner: Barbara N. Burgess  
 : Confirmation No. 6929

For: SOFTWARE AND METHOD FOR CONTROLLING THE TIMING OF DELAYED DOWNLOADS

TRANSMITTAL

**MAIL STOP AMENDMENT**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

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**OCT 28 2004**

SIR:

Transmitted herewith is an amendment in the above-identified application.

[X] No additional filing fee is required.

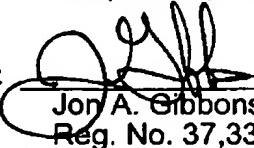
The fee has been calculated as shown below. (Small entity fees indicated in parentheses.)

CLAIMS AS AMENDED						
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Claims Remaining After Amendment		Highest Number Previously Paid For	Extra Claims	Rate	Fee
Total Claims (Small Entity)	19	-	21	0	18.00 ( 9.00)	0
Independent claims (Small Entity)	5	-	5	0	88.00 (44.00)	0
Multiple Dependent (Small Entity)	0	-	0	0	300.00 (150.00)	0
Extension of Time Fee (Small Entity)	One Month \$110 (\$55)	Two Months \$430 (\$215)	Three Months \$980 (\$490)			0
<b>Total</b>						<b>\$0.00</b>

XX The Commissioner is hereby authorized to charge any required fees to Deposit Account No. 09-0441.

Respectfully submitted,

By:



Jon A. Gibbons  
Reg. No. 37,333

Customer No. 23334  
 Fleit, Kain, Gibbons, Gutman, Bongini & Bianco P.L.  
 551 NW 77th Street, Suite 111  
 Boca Raton, Florida 33487  
 Telephone: (561) 989-9811  
 Facsimile : (561) 989-9812

OCT 28 2004

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	: 09/611,839	Confirmation No. 6929
Applicant	: Michael L. EMENS et al.	
Filed	: July 7, 2000	
TC/A.U.	: 2157	
Examiner	: Barbara N. BURGESS	
Docket No.	: AM9-1999-0218	
Customer No.	: 23334	

VIA FACSIMILE (703) 872-9306

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450  
**Attention: Examiner Barbara N. BURGESS**

RESPONSE WITH AMENDMENT UNDER 37 C.F.R. § 1.111

Sir:

The following amendment is being submitted in response to the Office Action dated July 28, 2004 in connection with the above-identified application. Please enter and consider the following amendment and remarks as follows:

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date

10/28/04 2004 By: Rathleen Schleser

Signature: Rathleen Schleser  
 Applicant, Assignee, or Representative

AM9-1999-0218

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09/611,839